IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1347 OF 2006

IN

FIRST APPEAL (ST) NO. 3483 OF 2006

The State of Maharashtra ..... Applicants
& others

Versus

Shashikant Shankar Sutar ..... Respondents
and others

Learned AGP for the Applicants.
Ms. Vishwanath Talkute for Respondent No. 1.

CORAM : S.B. DESHMUKH, J.
DATE : 17TH OCTOBER, 2006

P.C.

1) Heard learned Counsel for the parties.

2) Learned Counsel for the Applicants, seeks ad-interim relief. After hearing learned Counsel for

the parties, in my view, ad-interim can be granted in favour of the Applicants subject to the condition that the Applicants shall deposit entire decretal amount in the Tribunal within reasonable time. Learned Counsel for the Respondent No. 1 submits that, the Respondent No. 1, has sustained injury, in the vehicular accident. The Respondent No.1 has sustained disability to the extent of 24%. He is not in a position to carry out the work which he was performing prior to the accident. Learned Counsel for the Respondent No. 1 seeks permission to withdraw the amount of compensation. She submits, that Respondent No. 1 being labourer/skilled worker, is not in a position to furnish security for withdrawal of amount of compensation.

3) Having heard learned Counsel for the parties, in my view, interim relief can be granted in favour of the Applicants subject to the condition that Applicants shall deposit entire decretal amount of compensation in the Trial Court. Having considered the submissions, Respondent No. 1/Original claimant can be permitted to withdraw 50 per cent amount of the compensation from the Tribunal, by filing undertaking to the Tribunal that such withdrawal is subject to outcome of the decision of the First Appeal pending in this Court. Balance amount of compensation can be directed to be deposited with any Nationalised Bank by the Tribunal. This deposit, shall be considered as security for the

Appellants.

4) In the result, Civil Application is allowed in terms of prayer clause 4(b) till the disposal of the Appeal, subject to the condition that Applicants shall deposit entire decretal amount in the Tribunal within 12 weeks from today. The Respondent No. 1 is permitted to withdraw 50 per cent amount of the amount deposited in the Tribunal on his personal undertaking that such withdrawal shall be subject to outcome of the Appeal pending in this Court. Balance amount to be deposited with any Nationalised Bank by the Tribunal initially for the period of seven years. In the absence of any order from this Court, said investment shall stand renewed for three years every time. It is made clear that in case of failure on the part of Applicants to deposit decretal amount within stipulated time, stay granted by this Court shall stand vacated. Civil Application is therefore partly allowed and disposed of in above terms. All concerned to act on authenticated copy of this order.

(S.B. DESHMUKH, J.)